

Guinea: Research and Advocacy after the December 2008 Coup

This document contains Human Rights Watch's reporting on the human rights situation in Guinea following a coup on December 23, 2008, by the National Council for Democracy and Development (CNDD). For all of Human Rights Watch's work on Guinea, please visit our website: <http://www.hrw.org/en/africa/guinea>.

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Guinea's depressingly familiar strongman

Moussa Dadis Camara said his coup would be different. But as scores of protesters are gunned down, west Africa is in real peril

Corinne Dufka
September 30, 2009

Published in The Guardian-UK

<http://www.guardian.co.uk/commentisfree/2009/sep/30/moussa-dadis-camara-guinea-elections>

Guineans were relieved when there was a bloodless coup last December after the death of the longtime president, Lansana Conté. Not only had the feared battle for succession among army factions been averted, but the coup leader, Captain Moussa Dadis Camara, vowed to root out corruption and hold elections within 60 days. Better yet, he promised not to run. "I have never had the ambition of power," he said at the time.

When Dadis recently reversed his promise not to run in the presidential election, now set for January, people began to take to the streets. On Monday thousands of people, who had lost hope in Guinea's long-repressive government, protested in the West African capital of Conakry. Security forces responded by opening fire and killing scores of people.

Guinea, resource-rich and desperately poor, has been plagued since independence in 1958 by authoritarian, brutal and corrupt regimes. Groups such as Human Rights Watch warned that the optimism that swept through the squalid quarters of Conakry last December would likely be short-lived without pressure on the regime to respect the rights of the political opposition.

The early days of the coup leader's rule actually seemed somewhat promising. Camara, a charismatic captain in his signature red beret, was cheered when he embarked on a campaign to rid Guinea of the narco-traffickers who had turned Guinea into a veritable criminal state. Hats flew when Camara's boys arrested erstwhile untouchables, including the former president's son and high-ranking police officers.

When Camara turned his sights on the corrupt political elite who had for decades obscenely siphoned off the proceeds from vast mineral wealth, Guineans saw light at the end of the tunnel. "I was born in a hut. I walked to school ... Money means nothing to me," he said. *Le Peuple*, riveted to their TV screens, cheered as they watched Camara interrogate, scold and humiliate former high-ranking officials.

But then disconcerting things started happening: heavily armed soldiers carjacked vehicles and raided shops and homes. Groups of soldiers accused of coup plotting or nothing at all were detained without charge and shipped off to a notorious island prison while hushed family members spoke of the injuries they'd sustained in custody.

Human rights lawyers and heads of political parties received intimidating visits and calls by soldiers questioning their conduct or "inviting" them for a chat at the military camp-cum-seat of government.

As the weeks passed, the military house-cleaning was increasingly characterised by trampling of basic human rights. Public interrogations amid threats that common criminals “will be shot without trial” undermined the presumption of innocence. The powerful minister tasked with fighting serious crimes urged youths to form vigilante patrols and burn criminals caught “red-handed”.

As opposition voices gained momentum, bans on phone text-messaging and political activity were imposed. Soldiers rolled up to stop rallies and on a few occasions, raided opposition party headquarters. As journalists questioned Camara’s increasing grip on power, he outlawed all political content on popular radio phone-in shows. While some bans were later overturned, the message to journalists and opponents was clear: Camara was ready to silence them if he wanted to.

Camara has hinted that only a military man is up to the task of ridding Guinea of the twin evils of corruption and narco-trafficking. “It is in the hands of God,” the captain has said, when asked whether he will run for office. For many Guineans who have known nothing but weak institutions and authoritarian government, backing the strongman may seem the safest option.

What happens over the next few months matters greatly: to families of the thousands of political prisoners who perished in Camp Boiro, the notorious gulag of Guinea’s first president, Ahmed Sékou Touré, and those of the scores of demonstrators gunned down by Conté’s security forces. It matters to the millions of Guineans who for decades have been denied the right to elect their leaders freely, much less have access to good schools and decent clinics for their children.

It matters to the people of neighbouring Sierra Leone and Liberia, whose fragile democracies would be undermined by the cross-border flow of arms and former combatants should Guinea’s increasingly fractured army degenerate into factional infighting. It matters to west Africa’s international partners, who have spent billions on nation-building there. And it matters to Africans continent-wide who are worried that coups and constitutional annulments allowing illegitimate heads of state to stay on indefinitely have come back into fashion.

With the protests and killings in Conakry, the window of opportunity for a more rights-respecting government in Guinea is quickly closing. The international community must bring all pressure to bear on the coup government to ensure that they hold free and fair elections, devoid of military interference. Without that, we will face the prospect of an ever-deepening and violent crisis that threatens Guinea, and its fragile neighbours, too.



Guinea: Stop Violent Attacks on Demonstrators

Security Forces Unlawfully Kill Dozens of Protesters

(New York, September 29, 2009) – Guinean security forces should immediately cease violent attacks on demonstrators protesting against the military government, Human Rights Watch said today.

Human Rights Watch called upon the government to hold accountable security forces responsible for firing upon and killing dozens of generally peaceful demonstrators in the Guinean capital, Conakry, on September 28, 2009. They were among tens of thousands of people protesting the rule of Capt. Moussa Dadis Camara, who had seized power in a bloodless coup in December.

“The killing of dozens of unarmed protesters is shocking even by the abusive standards of Guinea’s coup government,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “Guinea’s leaders should order an immediate end to attacks on demonstrators and bring to justice those responsible for the bloodshed.”

The protesters, demonstrating against Camara’s presumed candidacy in Guinea’s January 2010 presidential elections, took to the streets of Conakry on September 28 and marched to a 25,000-seat stadium to attend a political rally. Backed by security forces, the minister responsible for combating drug trafficking and serious crime, Capt. Moussa Tiegboro Camara (no relation to the president), told the protesters not to enter the stadium. However, his troops were unable to stop the demonstrators from forcing open the doors and flooding inside.

Police allegedly responded first by firing into the air, and then into the crowd. One witness told Human Rights Watch:

“At around noon, our [opposition] political leaders came to address the rally. Shortly after they arrived, the military started shooting. Our leaders didn’t even have a chance to speak. I saw the armed men shooting directly into the crowds and shooting in the air – there was tear gas and gunshots and total panic; we ran for our lives.”

Eyewitnesses and medical personnel told Human Rights Watch that many of the bodies of protesters were riddled with bullet holes. Others had stab wounds from knives and bayonets. A number of women taking part in the demonstration were stripped naked and sexually assaulted by security forces, victims and witnesses said.

A second witness to the violence said:

“I saw the Red Berets [an elite unit within the military] catch some of the women who were trying to flee, rip off their clothes, and stick their hands in their private parts. Others beat the women, including on their genitals. It was pathetic – the women were crying out.”

Another eyewitness said: “I saw several women stripped and then put inside the military trucks and taken away. I don’t know what happened to them.”

Victims of the violence reported that there were so many people in the local hospital that they waited for hours without being treated. One young man who had been shot in the leg described the scene in the hospital: “I waited for treatment from just after 11 a.m. until 4 p.m., but there were so many other wounded, they didn’t even have time to treat me. I saw people dying in front of me.”

Witnesses also spoke of widespread looting by members of the security forces; a few described how vehicles were stolen and possessions looted, including from the homes of opposition leaders.

The government on September 27 prohibited protests until after national independence celebrations planned for October 2, but a coalition of opposition activists decided to proceed with the demonstration they had planned for the following day. Some of the protesters reportedly engaged in violence against the police.

Security forces in Guinea have a history of using excessive and often unnecessary deadly force against demonstrators.

Guinea, resource-rich and desperately poor, has been plagued since independence in 1958 by authoritarian, brutal, and corrupt regimes. In December 2008, a group of Guinean military officers calling themselves the National Council for Democracy and Development (CNDD) seized power hours after the death of Lansana Conté, Guinea’s president for 24 years. The coup government’s nine months in power have been characterized by arbitrary arrests and detentions, restrictions on peaceful political activity, unpunished criminal acts by the military, and calls for vigilante justice.

Shortly after taking power, Camara pledged to hold elections in 2009 and promised that neither he nor anyone in the CNDD would run for president. After months of delay in organizing elections, and under mounting pressure from key foreign governments, Camara on August 17 set January 31, 2010 as the presidential election date. Shortly thereafter, he reversed his pledge not to run for office, a decision that added to his declining popularity.

“The coup government pledged to break with Guinea’s abusive past, but these deadly acts of repression and excessive use of force show how empty those promises were,” Dufka said.

Guinea: Respect Rights of Opposition

Criticism of Coup Government Leads to Crackdown on Dissenters, Demonstrators

(Dakar, August 31, 2009) – Guinea’s coup government should respect the rights of demonstrators and end intimidation and threats against those who express dissent, Human Rights Watch said today. Opposition politicians and at least one human rights activist who have criticized the presumed candidacy of the coup leader, Captain Moussa Dadis Camara, for the upcoming presidential elections have been threatened in recent days. The government also imposed a ban on mobile phone text-messaging for several days.

With demonstrations planned for the coming days, Human Rights Watch urged the coup government to exercise restraint in responding to protesters and to ensure respect for the rights to freedom of expression and peaceful assembly. Security forces in Guinea have a history of using excessive and often deadly force against demonstrators. In one case in August, the security forces used violence against rioters protesting the economic situation, resulting in one death.

“The coup leaders keep saying they are breaking with the past, but the use of threats and intimidation against opponents looks disturbingly familiar,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “Captain Camara and his men need to stop these abuses and make sure that there is a level playing field for the presidential election.”

A group of Guinean military officers calling themselves the National Council for Democracy and Development (CNDD) seized power hours after the death in December 2008 of Lansana Conté, Guinea’s president for 24 years. The coup government’s eight months in power have been characterized by arbitrary arrests and detentions, restrictions on peaceful political activity, unpunished criminal acts by the military, and calls for vigilante justice.

Shortly after taking power, Camara pledged to hold elections in 2009 and promised that neither he nor anyone in the CNDD would run for president. After months of delay in organizing elections, and under mounting pressure from key international stakeholders, Camara, on August 17, set January 31, 2010 as the presidential election date. Shortly thereafter, he reversed his pledge not to run for office, saying that any member of the CNDD should be “free to put forward their candidacy for the national election if they so desire.” Though Camara has not formally declared himself a presidential candidate, it is widely believed within Guinean civil society that he and other members of the coup government will run for office.

Stepped-Up Pressure on Opponents

In response to a recent wave of criticism and calls for mass demonstrations against the military, the coup government has stepped up its use of intimidation and threats against those who express opposition:

- During a news conference on August 19, Camara warned political leaders not to protest publicly, saying, “Any political leader who makes trouble by organizing strikes or protests or any other form of mass mobilization will simply be removed from the list of candidates and will also be prosecuted.”

- A prominent human rights activist received three death threats on his mobile phone after he denounced the postponement of elections during an interview with the popular Radio France Internationale on August 19. While the callers did not identify themselves, the activist believed that they were supporters of the coup government.
- After calling on Camara not to run for president during party meetings and in declarations to the national and international press in August, Cellou Dalein Diallo, the presidential candidate for the opposition Union of Democratic Forces of Guinea (UFDG), was on two occasions summoned to the Alpha Yaya Diallo military camp – the ad hoc seat of government – and urged to desist from commenting on the possible candidacy of CNDD head Camara.
- During an August 17 interview on a local radio station, the president of the New Democratic Forces (NFD) party, Mouctar Diallo (no relation to Cellou Dalein Diallo), criticized the coup leaders, saying that any election in which they participate could not be considered free and fair. On August 24, the day he had planned to leave for France, security forces went to his residence in what he believed was an attempt to arrest him. Diallo had already left Guinea on an earlier flight and was not home when they came.
- Around August 25, the coup government ordered telephone companies to turn off mobile phone text-messaging service after youth groups vowed to take to the streets in both support of and opposition against the coup government. The ban lasted for several days.
- On August 27, hundreds of demonstrators, including some from a newly formed group calling itself the Mouvement Dadis Doit Quitter (“Dadis Must Go Movement”), took to the streets of the capital, Conakry, burning tires and throwing stones at the security forces. A local journalist, Diarouga Balde, was detained by the police for several hours, allegedly for taking photos of the scene. Heavy rains in Conakry drove the demonstrators indoors; however, youth groups on both sides have said they would continue their demonstrations in the coming days.

The Guinean security forces’ poor record policing demonstrations raises concerns about possible excessive use of force in the future. Since 2005, there have been numerous incidents in which Guinean security forces have fired on unarmed demonstrators. In January and February 2007, more than 130 demonstrators were killed by security forces during a nationwide strike over deteriorating economic conditions (<http://www.hrw.org/node/10974>). None of the deaths have been properly investigated, nor has anyone been held accountable.

Human Rights Watch called on the Guinean government to abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in policing demonstrations. The UN Basic Principles provide that law enforcement officials carry out their duties with nonviolent means to the extent possible before resorting to the use of force. Whenever the lawful use of force is unavoidable, law enforcement officials must use restraint and act in proportion to the seriousness of the offense.

The Guinean government has legal obligations under several international and African human rights treaties, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights, to respect the right to life and freedoms of expression and assembly. Human Rights Watch called on the government to take all necessary measures to ensure respect for these obligations.

“The CNDD has vowed to halt abuses by Guinea’s security forces,” said Dufka. “It is the coup government’s responsibility to ensure that security forces called out to respond to any future street demonstrations strictly respect the rights of demonstrators.”

Guinea: Coup Leaders Undermining Rights

Six Months After Coup, More Abuses and Promised Restoration of Democracy Off Track

(New York, July 8, 2009) – Respect for human rights by the coup government that took power six months ago has been undermined by arbitrary arrests and detentions, restrictions on political activity, unpunished criminal acts by the military, calls for vigilante justice, and disappointing progress in organizing elections, Human Rights Watch said today.

“The new government has had six months to show that it was serious about improving respect for human rights in Guinea,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “There is no time to waste; they need to put a stop to human rights violations and organize free, fair, and transparent elections without any more delays.”

A group of Guinean military officers calling themselves the National Council for Democracy and Development (CNDD) seized power hours after the death on December 22, 2008, of Lansana Conté, Guinea’s president for 24 years.

Human Rights Watch research since the coup has found numerous instances in which the CNDD has violated its commitment to end human rights violations and taken little concrete action to organize elections promised before the end of the year.

At least 16 military personnel, including a former army commander, have been detained, and sources within the military have suggested that some of them have been abused in detention. All remain in detention, though none has been charged with any crime. Human Rights Watch calls on the Guinean authorities either to initiate formal trial proceedings against the men or order their release.

While the coup leaders initially agreed to a timetable for new elections, there has been little concrete action taken or funding committed to plan the elections. A ban on political activity has been reinstated, and there have been attacks on opposition parties. Human Rights Watch called on the Guinean authorities to repeal the ban on political activity immediately and to hold parliamentary and presidential elections as quickly as possible.

Human Rights Watch has documented a number of violent attacks by the military on ordinary Guineans, but no member of the military has been held to account for the attacks. Officials also appear to have condoned instances of vigilante justice. Human Rights Watch called on the coup government to retract the call for vigilante justice, and ensure that attacks on citizens by vigilantes end immediately and that those responsible are brought to justice.

Attacks and Other Episodes that Violated Promises Made by the Coup Leaders

Continued Arbitrary Detention of at Least 16 Military Personnel

In late December and early January 2009, the CNDD detained 12 military officers who had been assigned to provide security for the late President Conté. Military personnel interviewed by Human Rights Watch in Conakry said that the 12 were questioned by gendarmes only once, shortly after being taken into custody, but have yet to be allowed access to their lawyers or charged with a crime. The detained men were prevented from receiving family visits for a period

of three months, and remain in custody in an unofficial detention center on the grounds of the CNDD's headquarters at the Alpha Yaya Diallo military camp in Conakry.

A second group of at least three military personnel was detained in late April following an alleged coup attempt against the CNDD president, Captain Moussa Dadis Camara. Sources within the military told Human Rights Watch that these men are being held in a military camp on Kassa Island – a few kilometers off the coast of Conakry. Military officers interviewed by Human Rights Watch suggested that this group had suffered repeated beatings.

In the afternoon of May 26, dozens of security forces personnel beat, tied up, and detained Kader Doumbouya, a former military commander under Conté, and then looted his residence in Conakry. He has since then been held without charge in the "PM3" gendarmes detention center in Conakry. Sources told Human Rights Watch that he is being treated for a cracked rib suffered during the incident.

This prolonged detention of the men without charge, access to a lawyer, or review by an independent judge constitutes arbitrary detention, in violation of Guinea's international law obligations. Article 9 of the International Covenant on Civil and Political Rights, ratified by Guinea in 1978, states that anyone arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. Human Rights Watch calls on the Guinean authorities either to initiate formal trial proceedings against the men in question and ensure that they are immediately brought before a judge, or order their immediate and unconditional release. In any case, the men should be compensated for their arbitrary detention.

Elections and Freedoms of Political Expression and Assembly

Little progress has been made toward the return to civilian rule through free and fair legislative and presidential elections, despite the CNDD's commitment to restore constitutional order by the end of 2009. In March, the *Forces Vives* of Guinea – an organization consisting of political parties, unions, and civil society leaders – presented the CNDD with a timetable for elections preparations, with a view toward holding legislative elections in October and presidential elections by December 2009. Though Camara agreed in March to this timetable, the CNDD has taken few concrete steps to organize elections, and has refused to provide funding for the Independent National Electoral Commission (CENI) – the government body charged with organizing and monitoring the elections – in May and June 2009.

A communiqué from Camara, read on Guinean public radio on June 26, reinstated a ban on all political and union activities. Prior to the official banning of political activity, rallies by three Guinean political parties planned in different towns across Guinea were cancelled by order of local authorities, presumably to comply with commands from authorities in the capital.

On June 18, the Union of Democratic Forces of Guinea (UFDG) was forced to cancel its month-long nationwide campaign tour for its presidential candidate, Cellou Dallein Diallo, after local authorities and the military in the eastern town of Kérouané – 1,000 km from Conakry – ordered hundreds of supporters who had gathered for the rally to return to their homes, and then ordered the party's delegation to leave town. Shortly before reaching Kankan, 130 km away, the delegation was stopped by about 50 military personnel. Witnesses interviewed by Human Rights Watch said that the commander told the delegation that he had received orders that they would not be allowed into Kankan, where they had planned to hold a rally later that day.

Similarly, rallies by the United Front for Democracy and Change (FUDEC) in the towns of Coyah and Boffa, north of Conakry, and by the Democratic Union of Guinea (UDG) on June 18 in Foracariah were forbidden by the local authorities.

Human Rights Watch also spoke with a witness who described a June 20 attack on the UDG party headquarters in Kagbélén, outside Conakry. He said that approximately 25 members of the military led by the minister in charge of presidential security, Claude Pivi, forced their way into the local headquarters. The witness said that the military told them that they were looking for the local party representative.

“The military were heavily armed and wearing red berets,” the witness said. “Pivi was seated in his four-wheel-drive car, watching everything. He called me and asked me where the head of our party was. We said we didn’t know. His men then forced their way into our offices looking for him, beat up a few of our people, and stole two of our mobile phones.”

On July 4, there were media reports of a second raid on the UDG in Kagbélén by members of the military wearing red berets, in which several UDG activists were allegedly rounded up and detained at a nearby military camp.

Human Rights Watch called on the Guinean authorities to repeal the ban on political activity immediately and uphold the right of all Guineans to choose their representatives by holding free, fair, and transparent parliamentary and presidential elections as quickly as possible.

Criminality by Military Personnel with No Mechanism for Accountability

The CNDD promised in May to prevent acts of criminality by military personnel (<http://www.hrw.org/node/83174>). However, little concrete action has been taken to improve the situation, Human Rights Watch said. While the security forces have made arrests of civilians alleged to have committed crimes, no member of the military has yet faced arrest, investigation, or prosecution for the types of criminal acts documented by Human Rights Watch in April (<http://www.hrw.org/node/82734>).

Human Rights Watch has since then documented several incidents of theft and violence by members of the military against businesspeople and ordinary citizens, including thefts of goods and cars, and extortion by soldiers manning checkpoints in the Matoto and Bonfi neighborhoods of Conakry. In one egregious incident, a Guinean businessman who had recently returned from living abroad described how, on May 30, two armed soldiers threw him out of a third-story window after robbing him and spraying tear gas in his eyes. The soldiers then stole his car. The fall broke the man’s back, both legs, and both arms.

Official Call for Vigilante Justice that Undermines the Rule of Law

A call from a CNDD top law enforcement official for vigilante justice to be meted out against suspected thieves has seriously undermined respect for the rule of law in Guinea. At least one person appears to have been murdered in a vigilante attack.

During a June 2 meeting with local government and community leaders, which was widely reported in national and international media, Captain Moussa Tiegboro Camara (no relation to the CNDD president, Dadis Camara), the minister charged with the fight against drug trafficking and serious crime, urged youths to set up surveillance brigades and to “burn all armed bandits

who are caught red-handed committing an armed robbery,” adding that there was no more room in Guinea’s prisons to accommodate these criminals.

In the early morning hours of June 5, residents in the Yimbaya neighborhood of Conakry found a young man lying under a tree whose body was severely burned and whose face, fingers, and ears had been cut in multiple places. They informed Human Rights Watch that the man told them he had hours before been accused of theft by other local residents, who then burned him on his chest, back, and buttocks with a clothes iron, severely beat him, and cut him with a razor blade. The man died two hours after he was found by the residents.

Local residents further described to Human Rights Watch how, at around 5 p.m. the same day, Tiegboro visited the neighborhood to look at the corpse and address local residents. According to several residents who attended the meeting, Tiegboro told them: “You’ve done well to kill this man. He is a criminal and any time you see such a criminal, you should kill him. If you don’t have the money to buy petrol, come to my office and I will give you money to buy it.”

Another man attending the meeting said: “No one opposed what Captain Tiegboro said, but I think what happened to him [the victim] is wrong. In fact, it is the torturers who should be arrested and tried for what they did to him.”

When interviewed by Human Rights Watch on June 24, Tiegboro asserted that he supported the rule of law and the right to a fair trial, but that his appeal for “popular justice had been intended as a preventive action to frighten would-be perpetrators.” He denied offering money to local residents intending to burn criminals alive, but noted emphatically that the victim of the June 5 incident had a well-known criminal history and had been in and out of Conakry’s main prison at least eight times.

While Human Rights Watch was unable to ascertain whether those who attacked the man were incited to action by Tiegboro’s statement, it appears that he endorsed the killing after the fact. Human Rights Watch called on the Guinean authorities to retract the minister’s call for the formation of vigilante groups and any calls to kill suspected criminals. Those who carry out vigilante attacks, including the murder in Yimbaya, should be investigated and prosecuted.



Guinea: Take Concrete Actions to End Abuses by the Military

Dakar, May 11, 2009

Captain Moussa Dadis Camara
President, National Council for Democracy and Development
Republic of Guinea-Conakry

Dear Captain Camara,

Human Rights Watch is encouraged by the National Council for Democracy and Development's recent commitment to end human rights abuses and criminality by members of the military against ordinary Guineans. We write today to urge you to follow up this commitment with concrete actions.

As you know, Human Rights Watch recently released a report detailing human rights abuses committed by members of the Guinean army since the CNDD took power in December 2008. These abuses included armed robbery and theft, extortion, intimidation of the judiciary, and rape.

The April 29, 2009 televised meeting at Alpha Yaya Diallo military camp, during which Minister of Defense General Sekouba Konaté stated that the army would "no longer accept in our ranks those who have stolen, committed acts of banditry or rape," and during which hundreds of soldiers vowed before senior government officials not to commit such abuses, sent a powerful message. That meeting was a clear and welcome signal to Guineans and international observers that the current government takes seriously allegations of abusive behavior within the military.

Human Rights Watch strongly urges you to follow up this encouraging first move by taking concrete steps to both prevent and punish, in accordance with international standards, human rights abuses by members of the Guinean military. By publicly committing to investigate and prosecute members of the Guinean security sources implicated in human rights abuses, you will be taking a bold step to address the long-standing culture of impunity which has for decades undermined the rights of ordinary Guineans.

Concretely, we advise the following steps:

- Inform all ranks of the military that credible allegations of human rights abuses committed by them will be investigated and those responsible held to account.
- Allow the police, gendarmerie, and judiciary to effectively investigate, prosecute, and appropriately punish members of the security forces implicated in criminal acts.
- Adequately compensate victims of abuses by members of the military.
- Thoroughly review – and as necessary revise – the training curriculum for the military and other security forces to ensure comprehensive training on human rights issues. All training must be consistent with international human rights standards, such as the United Nations Code of Conduct for Law Enforcement Officials.
- Ensure the support for and independent functioning of the National Observatory for Democracy and Human Rights (ONDH). The ONDH, created in June 2008, is mandated to investigate and report on human rights abuses, conduct human rights education, and

advise the government on issues related to human rights. It needs strong political support and a guarantee of the necessary resources and independence to carry out its work.

Your leadership and that of your colleagues will be needed to ensure the implementations of these recommendations. We stand ready to assist in Guinea's progression on human rights issues, and will welcome any further actions by the CNDD towards this goal.

Sincerely,

Corinne Dufka
Senior Researcher for West Africa
Human Rights Watch

CC:

- Minister of Defense General Sekouba Konaté
- Minister of Security and Civil Protection General Mamadouba Toto Camara
- Minister of Justice Colonel Siba Noulamou, Docteur en droit
- Mamadou Aliou Barry, President, ONDH
- ECOWAS Ambassador to Guinea Edward Aina
- El-Ghassim Wane, Director of Conflict Management, Peace and Security, African Union
- Emile Ognimba, Director of Political Affairs, African Union
- OHCHR Regional Representative for West Africa Mamahane Cisse-Gouro



Guinea: Rein in Soldiers

Armed Robbery, Extortion, and Intimidation Under New Government

(Dakar, April 27, 2009) – Guinean soldiers have been implicated in regular acts of theft and violence against businesspeople and ordinary citizens since a new government took power in a military coup in December 2008, Human Rights Watch said today. The new government should put a stop to these attacks and make certain that the police, gendarmerie, and judiciary carry out independent investigations and prosecute implicated soldiers.

Human Rights Watch collected accounts from victims and witnesses to 19 such incidents, nearly all committed by heavily armed soldiers wearing red berets and traveling in both civilian and official military vehicles without license plates. Soldiers in groups numbering up to 20 have raided offices, shops, warehouses, medical clinics, and homes in broad daylight as well as at night. Soldiers have stolen cars, computers, generators, medicines, jewelry, cash, mobile phones, and large quantities of wholesale and retail merchandise, among other items. Victims include Guineans and foreigners. Many witnesses to these incidents reported that the soldiers appeared to be intoxicated. Many of the victims were also threatened or physically assaulted.

“The coup seems to have opened up a rash of abuses by the military; the impunity enjoyed by these soldiers must come to an end,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “The coup leaders need to bring the rank and file under control, and ensure those responsible for these abuses are promptly investigated and prosecuted.”

Human Rights Watch also documented numerous cases of extortion by soldiers during routine identification checks; the March 31 rape by a soldier of a 15-year-old girl; and several incidents of intimidation of the judiciary, during which small groups of soldiers interrupted judicial proceedings or threatened lawyers in an apparent attempt to influence the outcome of the proceedings.

A group of Guinean military officers calling themselves the National Council for Democracy and Development (CNDD) seized power hours after the death on December 22, 2008, of Lansana Conté, Guinea’s president for 24 years. The coup leaders, led by a self-proclaimed president, Captain Moussa Dadis Camara, quickly suspended the country’s constitution, and pledged to hold elections in 2009 and relinquish control to a civilian-led government.

It is unclear at what level the acts documented by Human Rights Watch were either ordered or sanctioned by senior members of the military. In some cases of theft, the attackers announced that they were on an official mission for the CNDD. However, none of the victims was shown any official documentation justifying the actions, such as a search or arrest warrant.

Most of the criminal acts and intimidation of the judiciary documented by Human Rights Watch involved soldiers wearing red berets. Prior to the coup, two divisions within the Guinean security services were routinely issued with red berets: the Autonomous Presidential Security Battalion, or presidential guard (BASP); and the Autonomous Battalion of Airborne Troops (BATA), an elite group of commandos. Since the coup, however, both units and a few other elite battalions have been folded into one unit based in the CNDD’s headquarters at the Alpha Yaya Diallo military

camp. Human Rights Watch was also told that soldiers of other divisions have been seen wearing red berets.

Since coming to power, the CNDD has led an official crackdown against drug traffickers, criminals involved in the production and sale of counterfeit medicines, and former government officials accused of corrupt practices. Ironically, many of the human rights abuses documented by Human Rights Watch appeared to have been committed within the context of this crackdown.

For example, following the January 2009 detention of several Chinese citizens suspected of making and selling fake antibiotics, several Chinese-owned businesses, including medical clinics and restaurants, and at least one Guinean-run pharmacy were robbed by soldiers who claimed they were looking for counterfeit medicines. None of the military involved in these operations produced a search warrant, nor officially seized suspected counterfeit medicines. In three cases documented by Human Rights Watch, the business owners were arbitrarily detained and whisked away in a military vehicle. They were robbed of their money, mobile phones, and other valuables by the soldiers and then ordered out of the vehicles some kilometers away.

Human Rights Watch documented numerous cases in which soldiers had robbed Guinean citizens living near the homes or businesses of individuals suspected of involvement in drug trafficking. Victims described how they were robbed by soldiers searching their homes or businesses for contraband the military alleged was there. A Guinean lawyer representing six clients seeking damages for forced entry and armed robbery said the soldiers had broken down doors, destroyed furniture, and stolen a generator, seven cars, computers, clothing, and money. The lawyer told Human Rights Watch:

“The fight against drug trafficking is noble, but they’re using it as an excuse to act as common criminals – taking vehicles, money, jewelry – what does all this have to do with drugs? They didn’t find any of my clients with drugs. In none of these cases is there a legitimate complaint, or at least not one that has been substantiated.”

Numerous other cases of breaking and entering were seemingly unrelated to the crackdown. These included attacks against small family-run kiosks during which the contents were emptied into vehicles driven by the military, roadside stores selling construction materials, private homes, primarily of wealthy Guineans, and warehouses holding imported items.

Military personnel interviewed by Human Rights Watch suggested that individuals posing as soldiers were responsible for the criminal acts. However, several factors cast doubt on this claim. First, many witnesses told Human Rights Watch of soldiers committing abuses in broad daylight in public places and dressed in full military uniform, some with bars indicating rank up to the level of sergeant. Second, in two cases, businessmen whose cars were stolen at gunpoint by soldiers later saw their cars being driven by men in military uniform; in one case, the car was seen driven in and out of a military camp in Conakry. Third, several victims told Human Rights Watch that they recognized individual soldiers whom they knew to be members of the military. Fourth, the soldiers committing many crimes operated in groups of 10 or more, and circulated in small convoys of two or more vehicles.

Under Guinean law, it is the gendarmerie and police who are mandated to investigate crimes, whether the alleged perpetrators are civilians or members of the military. However, victims consistently told Human Rights Watch that since the coup, the military has increasingly taken over some police tasks, including criminal investigation. The owners of five businesses robbed

at around the same time on February 16 filed a police report, but were told by the police that since the coup, they were no longer “authorized by the military to conduct investigations.” The business owners were told to file a complaint directly with the military.

When Human Rights Watch asked police officers how they were responding to a wave of crimes apparently perpetrated by soldiers in one Conakry suburb, the officers said that the military had “forbidden” them to conduct patrols and investigations; one police officer described how a civilian suspect he had detained for questioning in connection with a burglary at the station was removed from police custody and put into a military vehicle for questioning at a military camp. Another victim told Human Rights Watch that after he complained to the police, they told him that if he wanted action he would need to either file a complaint with the military or denounce it on the radio. Yet another victim filed a complaint at the local police station and later at the head office of the judicial police in charge of investigating crimes, which is under the authority of the prosecutor. Both referred her to the military.

Five victims interviewed by Human Rights Watch had lodged complaints with military authorities in which they had asked for an official investigation into what they claimed were criminal acts by soldiers. No follow-up investigation has been conducted in any of these cases. One victim visited the military camp five times asking for an investigation, and lamented, “I’ve been to the [military] camp and made many follow-up calls, but not once heard back. The case is going nowhere.”

The only case documented by Human Rights Watch where there had been a response by the military involved the rape of the 15-year-old girl. According to family members and community leaders, the accused soldier’s superior visited the family and arranged to settle the case outside of court. The soldier was detained for several days in the military camp. The family decided not to file a police report after the military agreed to pay the girl’s medical costs.

Under article 14 of the African Charter on Human and Peoples’ Rights, the government of Guinea is under the obligation to protect the right to property, which includes ensuring that state officials (including the military) do not seize property arbitrarily and without compensation.

“The military’s duty is to protect and safeguard the Guinean people, not take advantage of them. The lawlessness seen in these abuses is without excuse,” said Dufka. “The military should end the abuses and allow the police, gendarmerie, and judiciary to uphold the rule of law.”

Accounts from victims and witnesses of abuses by the Guinean military in Conakry

Abuses committed under the pretext of the crackdown on drug trafficking, counterfeit medicines, and corruption:

The Guinean owner and manager of a transport company described the theft of his car and other items on February 15 by a dozen uniformed soldiers ostensibly searching for drugs. He said the soldiers, who smelled of alcohol, were heavily armed, and several were draped with bandoliers:

“They arrived in a Nissan pickup truck without license plates. They told me they were there on a mission ordered by the CNDD to recover 4x4 trucks that I was hiding for the leader of a Guinean opposition party. Some of the Red Berets accused me of hiding drugs and weapons. I told them I am not a military, so I don’t have weapons, but they searched the warehouse and ransacked my secretary’s office and mine. I am not hiding anything. They did not tell me their

names, but I noticed that they all addressed one of them with ‘Excellence.’ I asked for a mission order, but they said that they didn’t have one, that mission orders are nonsense. They said, ‘Did you not see what kind of vehicle we came in?’ The military threatened my employees and told them to lie down on the floor, face down. They were told, ‘You will not get out of here alive’ and ‘Nothing will leave this place.’ They did not find any drugs or weapons, but they took two computers, my own car, and a large amount of cash. Several people have told me they’ve seen my car being driven around town by an army man.”

A Guinean woman who resides next door to a group of Nigerians allegedly suspected of involvement in drug trafficking was robbed twice by soldiers. The first time they came, they claimed to be looking for Nigerians. She described the incidents that took place on February 25 and March 13:

“The first night, they woke me up when they climbed the walls of my compound. They asked me if there were any Nigerians hidden and searched my house. They did not have a search warrant. They apologized and left. I later noticed my mobile phone was missing. Then on March 13, eight heavily armed Red Berets returned to the residence at 10 p.m. I wasn’t there, but my aunt told me what happened. The military threatened to shoot if my aunt did not open the door, so she let them in. When my aunt asked why they were there after not finding anything the first time, they yelled at her to shut up. They took a black backpack with a laptop, 3 million Guinean francs [about US\$600], and jewelry. This time, it was clearly not a mistake like the first time they came. Because of these visits, I decided to move out of my house.”

The owner of a medical clinic raided by soldiers at 1 p.m. on January 26 described what happened during an attack on his clinic:

“My brother and I are Chinese medical doctors and run a clinic in Conakry. The military came in a gray truck and three motorcycles. There were eight of them and they all wore red berets. Three had rifles and all were in camouflage uniform. They came in saying they were looking for fake medicine, but they went through the house and stole many things, including two diagnostic machines, two mobile phones, 3 million FG [Guinean francs, about US\$600], US\$3,000, a TV and DVD [player], and bags full of all our clothing. They even went into the freezer and stole the meat we had there! They also stole [my brother’s] car – we have yet to see it. They didn’t take any medicines; they came to steal. [My brother] was taken in the car by the military, like they were going to arrest him, but they then let him go – stopped the car and told him to get out. Many people from the neighborhood used to come into the clinic, but for the moment we’ve closed.”

A restaurant owner who was robbed in the middle of the day in late January described what happened:

“At about 3 p.m., 10 soldiers came to the restaurant; they were dressed in soldier uniforms and several had guns. As they entered, they kicked at our door, pointed their guns at me and hit me in the stomach. They said they were looking for fake medicines – that it was us the Chinese selling them. I told them this was a Chinese restaurant! What do we have to do with medicines? I even told them it’s OK to check, knowing they wouldn’t find any of it here. They stole several phones,

took two cartons of beer and our personal things, including our clothes. They were very aggressive.”

A Guinean businessman whose pharmacy was robbed by 10 soldiers on January 28 described the events to Human Rights Watch:

“At 2 p.m., I was in my pharmacy when 10 Red Berets burst into the place saying they wanted to check if the medicines in my pharmacy were fake. They pretended to look at the medicines, but then went straight for the small safe I have in the corner. They broke it open and stole the 50 million FG [about US\$10,000] we had there. They came in a green military pickup without license plates. After stealing the money, they took me along with them, as if to make it look like it was me who’d done something wrong. They stuffed me in the car, but let me go a few kilometers down the road. They wanted to make it look like a proper operation but they just wanted to steal the money – they didn’t even take any medicine with them!”

Abuses against judges and lawyers

Human Rights Watch spoke with a judge in Conakry who described an attempt by six soldiers to intimidate him into changing a judicial decision he had made in a civil dispute involving two businesswomen, one of whom had a family member in the military. The incident took place on February 17:

“On the day in question, I was to hand over the official decision in a civil case involving two businesswomen. Suddenly, six soldiers entered my courtroom. To me, it seemed like the woman whose relative was a soldier had organized the red berets to intervene on her behalf. They were armed, uniformed, and wore red berets. I said, ‘You have nothing to do with this process – I have rendered a judicial decision which is entirely independent of the military!’ They got very angry and one of them responded, ‘Things have changed; you must change this decision.’ They threatened to see that I was removed from power – they said they are the ones in power now. I stood my ground and they eventually left.”

A lawyer described how on February 23, two armed soldiers apparently acting on behalf of a plaintiff – a retired general – attempted to intimidate the judge presiding over the case:

“That day I was in court on behalf of an indigent client. Being heard at the same time was a civil case – a dispute over money – between a retired general and another man. The general’s lawyer was pushing for the case to be decided that day, but the other man’s lawyer was pushing for a postponement on account of a technicality – that the second man had not been formally summoned to appear. Shortly thereafter, two armed soldiers came into the courtroom. They paraded with their long guns up and down the courtroom for 10-15 minutes. When the man’s lawyer saw this, he abandoned the courtroom and I took over. The soldiers didn’t point their gun directly at the judge, but their presence was really frightening for everyone. It was obvious the judge was afraid, but in the end, the judge held his ground and postponed the case. When the general heard this, he started insulting and yelling at the judge and me! He said, ‘If you do this, you will see what we’ll do.’ I was extremely frightened. When we went outside the court, I

saw about five to seven soldiers, all with red berets, inside a vehicle without license plates.”

General criminal acts by members of the military

The unarmed security guard for the residence of a wealthy Guinean businessman described a robbery by about 10 soldiers on March 13:

“I was sitting outside with a few friends. It was around 9 p.m. We heard a car pull up, then around 10 of them – all wearing camouflage, red berets, and with long guns – burst through the compound door. They came in a white truck that they parked outside our gate – it did not have number plates. One of them had one bar on his uniform – I believe he is a sergeant; and I recognized another one – I’d seen him around Conakry in uniform. They entered pointing their guns at us; one of them yelled at the owner’s wife to give him the keys to their car. She told them her husband wasn’t there and that he had the keys to the car. They got angry and went into the house to look for the key. They found her purse, searched through it and eventually found the key. As one of them was getting in the car, the others were looking for things to steal. They stole two computers, three telephones, a 2 KVA generator, jewelry, and money – around 500,000 CFA [US\$985]. They were drinking – I could smell alcohol on their breath.”

A Guinean businessman described the theft by a group of soldiers of 50 cartons of red wine he had recently imported from Europe. He explained how a few days after the theft, he saw and photographed the stolen goods being sold in a shop just outside the Alpha Yaya Diallo military camp:

“On January 8 at around 6 p.m., 10 Red Berets – all uniformed and with arms – arrived at my house in a pickup truck. They entered my house and asked my brother for the key to the container. He didn’t want to give it to them, but they beat him up and eventually he gave them the key. They then stole all 50 cartons of the wine. Earlier, I’d approached a store just outside Alpha Yaya camp and asked them if they’d like to sell my wine; it [the store] is owned by a gendarme. I left a sample bottle for them to try. I had a feeling the stolen wine was there and after the robbery, I went there and yes, the wine was in that shop! I took pictures of my wine, which I thought could be used as evidence. I asked the people where they’d gotten the wine and they said the military had come a few days before asking if we wanted to buy the wine. I took the pictures to the police and to a gendarme, who gave me a paper that authorized me to retake possession of the wine, but the second time I went to the shop, the wine was all gone. I’ve gone to the military several times to sort out this problem, but as of yet have had no luck.”

Recommendations

Human Rights Watch urged the government of Guinea to take the following actions:

- Publicly acknowledge and condemn the human rights abuses – including armed robbery, extortion, rape, and other violence – committed since the December 2008 coup by members of the military.

- Issue clear public instructions to all military personnel to desist from committing abuses and to ensure that their actions do not exceed their mandate.
- Call for the investigation by legally relevant authorities of all soldiers alleged to have perpetrated human rights abuses. Call for prosecution of those against whom there is sufficient evidence in accordance with international fair trial standards.
- Encourage the work of institutions legally mandated to conduct criminal investigations and prosecutions – the police, gendarmerie, and judiciary.
- Ensure that victims of armed robbery, extortion, rape, and other abuses by members of the military are adequately and speedily compensated.

To the International Contact Group on Guinea:

- Express its concern about ongoing human rights abuses and the lack of accountability by members of the Guinean security services.
- Urge government leaders to take concrete action to bring to an end abuses by the Guinean military.
- Urge government leaders to hold accountable in accordance with international standards of fair trial soldiers against whom there is sufficient evidence of abuse.
- Encourage the work of rule-of-law institutions – including the police, gendarmerie, and judiciary – and their functioning in accordance with international fair trial standards.

Guinea: Plan Elections and Hold Rights Abusers Accountable

New Government Should Break With the Past and End Abuses

(Dakar, January 21, 2009) – The new rulers of Guinea who came to power following last month’s coup should take concrete steps to address Guinea’s dismal human rights record, Human Rights Watch said today in a letter to the coup leader, Captain Moussa Dadis Camara. These steps should include holding senior members of the security forces accountable for past abuses and holding parliamentary and presidential elections without delay, the letter said.

Captain Camara came to power as the leader of a group of military officers calling themselves the National Council for Democracy and Development (CNDD), only hours after the death on December 22, 2008, of Lansana Conté, Guinea’s president for 24 years. The coup leaders quickly suspended the country’s constitution and declared a ban on political and union activity. Camara has pledged to hold elections in 2009 and relinquish control to a civilian-led government. On January 14, he announced a cabinet made up of military officers and civilians.

“Guinea stands at an historic crossroads,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “Improving the chronic human rights problems that have undermined the civil, political, social, and economic rights of the Guinean population for decades must be a top priority of the current government.”

Since 2006, Human Rights Watch has done extensive research into patterns of human rights abuses against ordinary Guineans, including torture, extrajudicial executions, widespread extortion, and the brutal repression of street protests. The evidence in the vast majority of these cases shows that the abuses have been committed by members of the security forces, but the government has rarely investigated these cases, much less brought those responsible to justice. This failure to act, coupled with a weak judiciary, characterized by a lack of independence from the executive branch, inadequate resources, and corruption, has left ordinary Guineans with scant hope for redress.

The letter includes recommendations to provide funds and support so that two existing institutions aimed at investigating past and ongoing human rights abuses can operate. One of these is the Commission of Inquiry into the killing of at least 137 unarmed protesters by security forces during a 2007 nationwide strike against deteriorating economic conditions and bad governance. The other is the National Observatory for Democracy and Human Rights, whose mission is to investigate ongoing human rights abuses and conduct human rights education. Both were created under Conté’s rule, but were unable to operate because of a lack of funding, logistical support, and political will.

In the letter, Human Rights Watch also expressed concern about the presence within the CNDD of a few military officers who have been linked to serious past abuses and crimes, including torture. Human Rights Watch urged Captain Camara to rigorously scrutinize the record of those who currently hold positions within the group and the newly appointed government. The new government should hold accountable, in accordance with international fair trial standards, any individuals against whom there is evidence of involvement in past abuses or criminal activity, the letter said.

“For too long ordinary Guineans have suffered abuses at the hands of the government, and have been denied the fundamental right to elect their representatives freely and fairly,” said Dufka. “Guinea’s new leaders have much to do to rectify this worrying state of affairs, including lifting the ban on political and union activity, organizing elections, and taking concrete steps to address the root causes of Guinea’s chronic human rights problems.”

Dakar, January 21, 2009

Captain Moussa Dadis Camara
President, National Council for Democracy and Development
Republic of Guinea-Conakry

www.hrw.org

Dear Sir,

Human Rights Watch is a leading independent international human rights organization. We write today to urge you to take concrete and meaningful steps to resolve the acute constitutional crisis generated by the recent death of former President Lansana Conté, and to address some of the chronic human rights problems and attendant weaknesses in rule of law that characterized his 24-year administration.

In your capacity as president of the National Council for Democracy and Development (CNDD), we believe that improving Guinea's human rights record should be among the top priorities of your government. We therefore urge you to exercise bold leadership to address several very pressing issues. With respect to the constitutional crisis, we call on you to:

- Uphold the right of all Guineans to choose their representatives by holding free, fair, and transparent parliamentary and presidential elections as quickly as possible.
- Immediately repeal the ban on political and union activity imposed by the CNDD on December 23, 2008.
- Accept adequate international monitoring of the polls.

With regard to the longstanding crisis of impunity and rule of law, we call on you to make an unambiguous commitment to respect the fundamental human rights of all Guineans, and to:

- Ensure that the Independent Commission of Inquiry, created to investigate the killing of at least 137 unarmed protesters by security forces during the January and February 2007 strike is funded and operational as soon as possible.
- Ensure that the National Observatory for Democracy and Human Rights, mandated to investigate human rights abuses and conduct human rights education, is fully operational and funded, and allowed to function independently.
- Ensure that all members of the CNDD and newly appointed government are thoroughly vetted for any past involvement in human rights abuses, corruption, or other serious crimes, and held accountable in accordance with international fair trial standards for any crimes they allegedly committed.

Parliamentary and Presidential Elections

Human Rights Watch welcomes your commitment to hold elections before the end of 2009, and urges you and your government to take concrete steps to ensure this happens as quickly as possible. The right of all Guineans to take part in the conduct of public affairs and freely elect their representatives is guaranteed by the United Nations International Covenant on Civil and Political Rights, ratified by Guinea on January 24, 1978. As you are well aware, the postponement of parliamentary elections – originally scheduled for June 2007 – constitutes a serious breach of this right. Taking concrete steps to organize both the long overdue parliamentary and pivotal presidential elections would go a long way to restore the donor confidence and funding needed

to ensure adequate preparations for the polls. We also implore you to lift the ban on political and union activity imposed by the CNDD shortly after seizing power on December 23, 2008.

National and international elections observers have consistently expressed concern over the conduct of past polls in Guinea, noting that the elections of 1993, 1998, and 2003 were marred by postponements, boycotts by opposition parties, accusations of fraud, intimidation, and state-sponsored violence. Your government must take concrete and dramatic steps to ensure that any upcoming elections make a sharp departure from the problems that have marred past polls. The last several decades of political life in Guinea have been characterized by an inappropriately important influence by the military in matters of the state, and the passing of former President Conté provides an opportunity to return to civilian rule that is accountable to the people of Guinea. We welcome your stated commitment to relinquish power to a fairly elected civilian government, and urge you to assure the fairness of the polls, including by accepting international elections monitors.

Weak Rule of Law and Impunity for Abuses

Since 2006 Human Rights Watch has done extensive research into patterns of human rights abuses in Guinea, including torture, extrajudicial executions, widespread extortion from citizens, and other serious abuses against ordinary Guineans committed primarily by members of the security forces. The perpetrators of these abuses have enjoyed near-complete impunity. Coupled with these abuses, a judiciary plagued with deficiencies – including lack of independence from the executive branch, inadequate resources, corruption, and poorly trained judges and other personnel – has left ordinary Guineans with scant hope for redress. We urge your government to begin to address this crisis in the following ways.

1. Commission of Inquiry for 2007 Strike-Related Abuses

Nearly two years after the 2007 crackdown by the security forces of a nationwide strike against deteriorating economic conditions and bad governance that left at least 137 dead and over 1,700 wounded, there has been no meaningful progress in investigating, much less holding accountable those responsible for the abuses.

In April 2007 Human Rights Watch published a report concerning the human rights violations committed during the January-February 2007 strike, entitled *Dying for Change: Brutality and Repression by Guinean Security Forces in Response to a Nationwide Strike*.¹ The report provides detailed accounts of widespread human rights abuses committed by members of the security forces – particularly the presidential guard – who fired directly into crowds of unarmed demonstrators and perpetrated other serious abuses, including rape, assault, and theft.

In May 2007 the National Assembly adopted legislation creating an independent commission of inquiry into the violence; and in September 2007, 19 commission members were sworn in. Disappointingly, however, the commission never received adequate funding or logistical support from the government, and on January 7, 2009, the mandate for the commission expired without its having done a thorough investigation or producing a report.

¹ Human Rights Watch, *Dying for Change: Brutality and Repression by Guinean Security Forces in Response to a Nationwide Strike*, vol. 19, no. 5(A), April 2007, <http://www.hrw.org/en/reports/2007/04/23/dying-change-o>.

Human Rights Watch is gravely concerned by what appears to be an utter lack of political will on the part of the previous government to hold perpetrators to account or otherwise provide justice for the victims of the very serious violations surrounding the January-February 2007 strike. This lack of political will also further contributes to a dangerous culture of impunity, which, in turn, has extremely adverse consequences for the Guinean population. The violent suppression of demonstrations in October and November 2008, during which at least five unarmed demonstrators were killed and 40 others were injured, provides further evidence of this concern.

Guinea has an obligation under international law to carry out a thorough and independent investigation into the human rights abuses perpetrated by security forces and others, followed by prosecution of those against whom evidence is found, in accordance with international standards. Such prosecutions should include those in positions of authority who gave orders or were in a position to prevent the abuses and failed to do so.

We urge you to immediately revive and extend the mandate of this commission of inquiry and ensure that it has sufficient independence, protection of commission members and witnesses, and guarantees of funding to immediately begin its work again and conclude it fairly and speedily.

If carried out independently and professionally, the process of bringing perpetrators for the January and February 2007 abuses to account could make a significant contribution to the fight against impunity. We urge you to act on this opportunity without delay.

2. National Observatory for Democracy and Human Rights

In June 2008 then-Prime Minister Ahmed Tidiane Souaré created the National Observatory for Democracy and Human Rights (ONDH), envisioned to investigate and report on human rights abuses, conduct human rights education primarily within the security forces, and advise the government on issues related to human rights and humanitarian law. By the end of 2008, the ONDH had conducted a few investigations, but due to funding issues, had yet to become fully operational.

As Guinea traverses through this period of constitutional and political uncertainty, a national human rights institution dedicated to the monitoring and reporting of human rights violations – including those associated with the conduct of elections – will be indispensable. It will also be key in investigating and making recommendations to improve more chronic problems such as the mistreatment of criminal suspects, substandard prison conditions, and abuses associated with child labor, trafficking, and mistreatment. Such an institution should be set up in compliance with the international standards on such bodies, including the United Nations Paris Principles.

Human Rights Watch believes the ONDH can make an important contribution to addressing the acute and chronic rule of law challenges that Guinea faces today. We urge your government to ensure both financial and logistical support for the Observatory, and to allow it to function independently. Your stated and material support for the ONDH is one of the important means through which your government can demonstrate its support for the protection and promotion of respect for human rights.

3. Vetting and Conduct of CNDD Members

Human Rights Watch has received credible reports of the presence within the CNDD of a few military officers who have been linked to serious past abuses and crimes, including torture. Due to these concerns, we urge you to rigorously scrutinize the records of those who currently hold positions within the CNDD and new government. Any individuals against whom there is evidence of involvement in past human rights abuses, corruption, or other serious crimes should be prosecuted in accordance with international fair trial standards.

We are also concerned about the detention of some 20 military and formerly high-ranking civilian officials who served under the previous administration. We understand the men, who were arrested on or around January 3, 2009, are being held at the Alpha Yaya Diallo military camp. Those who remain in detention should be formally investigated and charged, or released if no charges are to be made within a timeline that respects due process rights.

Conclusion

The Guinean government has legal obligations under several international and African human rights treaties – including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights – that require it to respect the rights to life, bodily integrity, and liberty and security of the person, and freedoms of expression, association, and assembly.

Human Rights Watch urges that you publicly reiterate your commitments to these legal obligations, and instruct your officials to conduct themselves accordingly. Finally, you must ensure that elections consistent with international standards are held as soon as possible, and that the results of those elections are honored.

The political future of Guinea hangs in the balance. We hope the actions that you and your government take will usher in direly needed improvements to the chronic human rights problems that have undermined the civil, political, social, and economic rights of the Guinean population for years. Human Rights Watch stands ready to support the efforts of your government to strengthen the rule of law and ensure accountability for human rights abuses.

Sincerely,

Corinne Dufka
West Africa Project Director
Human Rights Watch

CC:

- Mr. Kabiné Komara, Prime Minister of the Republic of Guinea
- Dr. Mohamed Ibn Chambas, President of the Economic Community of West African States (ECOWAS)
- Mr. Ramtane Lamamra, Peace and Security Commissioner of the African Union
- Mr. Said Djinnit, United Nations Special Representative of the Secretary-General for West Africa